

**From:** [Mcclendon, Danny D MVS](#)  
**To:** [Henke, Amy C MVS](#)  
**Subject:** FW: [EXTERNAL] Fwd: DAPL Pre-Clearing  
**Date:** Tuesday, March 15, 2016 11:08:49 AM  
**Attachments:** [DAPL PCNs for winter clearing.pdf](#)  
[DAPL HDD PCNs.pdf](#)  
[HDD by PCN 20160108.xlsx](#)  
[UndisturbedAreas PCN Intersect 20160119.xlsx](#)

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Amy,

Here is some of the emails surrounding the March/April dates.

Danny

-----Original Message-----

From: Peukert, John MVS  
Sent: Friday, January 29, 2016 3:59 PM  
To: Hunn, Matthew J MVS <Matthew.J.Hunn@usace.army.mil>; Rodriguez Robles, Edward C MVS <Edward.C.RodriguezRobles@usace.army.mil>  
Cc: Fenske, Dennis S MVS <Dennis.S.Fenske@usace.army.mil>; Ziino, Julie MVS <Julie.Ziino@usace.army.mil>; Mcclendon, Danny D MVS <Danny.D.Mcclendon@usace.army.mil>  
Subject: FW: [EXTERNAL] Fwd: DAPL Pre-Clearing

Matt and Ed-

I need some more background this. Who is the lead for Section 16 coordination?

Bottom Line: Are we going to meet the 1 March date?

V/R  
John Peukert  
DPM-MVS

-----Original Message-----

From: BG (Ret) Robert Crear [<mailto:robertCrear@aol.com>]  
Sent: Thursday, January 28, 2016 1:27 PM  
To: Peukert, John MVS <John.Peukert@usace.army.mil>  
Cc: Ziino, Julie MVS <Julie.Ziino@usace.army.mil>; BG (Ret) Robert Crear <robertCrear@aol.com>  
Subject: [EXTERNAL] Fwd: DAPL Pre-Clearing

Good evening John,

This email and attachments serve as a follow up and update to our meeting with Col Mitchell. The below email and attachments from Joey Mahmoud, VP for Engineering for Energy Transfer Company, sums up the concerns he feels need to be addressed by MVS, NWO and MVR to meet a 1 March permit issuance. Since he crafted the email, he brought to my attention an additional MVS concern, that of Section 16, Tribal coordination. That issue is preventing issuance of the ETCOP permit, hence mobilization of contractors.

I'd appreciate if you would provide this information to the appropriate MVS district leads for feedback and I would appreciate if you would share it with me. Thanks again for your continued attention to this matter.

Hooah!

RC

Sent from my iPad: BG (Ret) Robert Crear, robertcrear@aol.com <<mailto:robertcrear@aol.com>> - 601.631.4177

Begin forwarded message:

> From: "Mahmoud, Joey" <Joey.Mahmoud@energytransfer.com <<mailto:Joey.Mahmoud@energytransfer.com>>>  
Date: January 20, 2016 at 9:52:06 AM AST  
To: "BG (Ret) Robert Crear" <robertcrear@aol.com <<mailto:robertcrear@aol.com>>>  
Subject: FW: DAPL Pre-Clearing

Hey BG Crear,

As we discussed with COL Henderson, the attached are the super priority and I think he got that message. I know we talked about visiting the other districts on the same areas under their control/review and offer to you my willingness to go meet with the other districts to push these areas and our overall schedule to get to the finish line. I could not recall if you have already sent the priority area list to the other districts, but if not, please do.

Also, attached and below are the data regarding the number of locations with cross reference to the number of PCN areas where we have agreed to let the Native American groups go walk. Our plan to permit them to go look at these areas was not intended to slow us down in the permitting process or some sort of schedule deferral of the PCN areas. We are committed to allow the groups to look at them, but outside of the USACE oversight as we simply do not think it is required to allow survey by a third party per the regulations and the NWP program and special conditions. As I mentioned we have done 100% survey of those areas and either found nothing or shifted the line to avoid any sites.

St. Louis and Rock island District in the attached spreadsheet – Omaha info below.

Omaha PCNs and undisturbed areas that we will allow Native American Surveys

# undisturbed areas	State	PCN	
22	ND	PCN1	[Missouri River PCN (drill box on the south wide, where forested is undisturbed).]
2	SD	-	

The other two areas that we need to continue to focus are the 1) 408 crossings and issuance in each district plus 2) the restate documents where we need them. I am unsure if we need any realestate instruments across the USACE easement areas, but I suspect we do need at least a consent document from the USACE (but maybe not with the revised 408 program) and we definitely need the easement from the Omaha District.

Joey

(713) 989-2710

(281) 460-4846

From: Mahmoud, Joey  
Sent: Friday, January 08, 2016 5:14 PM  
To: BG (Ret) Robert Crear <[robertcrear@aol.com](mailto:robertcrear@aol.com)> <<mailto:robertcrear@aol.com>>  
Cc: Howard, Monica <[Monica.Howard@energytransfer.com](mailto:Monica.Howard@energytransfer.com)> <<mailto:Monica.Howard@energytransfer.com>>  
Subject: FW: DAPL Pre-Clearing  
Importance: High

Hey general Crear,

Please find attached two tables with locations where we need our permits to be issued no later than March 1st. The tree clearing areas are the highest priority with the HDD locations next in line. These are absolutely critical to our project schedule to get released by March 1.

As we suspected, the Native American groups are trying to slow us down by requiring or wanting to survey the work areas before they sign off. We are working with them, but we are not going to agree to do everything that they want which is going to create a conflict with the USACE. Plus with the USFWS BA, we really need to meet with the leadership again this month and also push the regulatory leads to take some action to release the PCNs for the attached areas.

Please take a look and let's talk on Monday to develop a plan.

Thanks,

Joey

(713) 989-2710

(281) 460-4846

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